

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRIAN KEMP, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**PROPOSED ORDER GRANTING COALITION PLAINTIFFS’
[CORRECTED] RULE 59(E) MOTION TO ALTER OR AMEND THE
COURT’S OPINION AND ORDER [DOC. 918] REQUIRING PAPER
POLLBOOK BACKUPS**

This matter is before the Court on the [Corrected] Coalition Plaintiffs’ Rule 59(E) Motion To Alter Or Amend The Court’s Opinion And Order (Doc. 918) Requiring Paper Pollbook Backups.

Upon considering the motion and supporting authorities, the response from the Defendants, and the evidence and pleadings of record, the Court finds good cause to later or amend its prior Order (Doc. 918) as set out herein.

The Court accordingly GRANTS the motion.

1. IT IS ORDERED THAT the language of text on Page 64 of the Court’s Opinion and Order (Doc. 918) is hereby amended as follows:

Effective immediately, the Secretary of State shall generate and transmit to each county election superintendent at the close of absentee in-person early voting an updated electors list in a format capable of printing by the election superintendent that includes all of the information located in the electronic pollbook **necessary for printing precinct-level information required in each polling place to check in voters and issue ballots to eligible voters.** [FN 26] **Alternatively, the Secretary may assume responsibility for the printing and delivery function. In either case, the Secretary of State shall be responsible for the cost of printing and delivery.**

(Doc. 918, at 64 (proposed additions shown in bolded underlining, and proposed deletions shown in bolded strike-outs).)

2. IT IS FURTHER ORDERED THAT the language of text and related footnotes in the first subparagraph currently numbered (4) and the second subparagraph currently numbered (4) on Page 65 of the Court's Opinion and Order (Doc. 918) is hereby amended as follows:

. . . (4) to allow voters who are shown to be eligible
 electors on the paper pollbook backups, but who are
 shown on the **paper pollbook backups updated list** as
 having requested an absentee mail-in ballot, to **have**
~~**their absentee ballot canceled [FN 28] and to**~~ cast a
 regular or emergency ballot that is not to be treated as a
 provisional ballot, provided that **such voter's absentee**
~~**ballot is cancelled in accordance with O.C.G.A. § 21-**~~
~~**2-388 such voter either surrenders the absentee ballot**~~
~~**to the poll manager of the precinct or in the case of a**~~
~~**voter who has requested but not yet received their**~~
~~**absentee ballot completes an elector's oath [FN 29]**~~
~~**affirming the voter has not marked or mailed an**~~
~~**absentee ballot for voting in such primary or election.**~~
 (5) ~~(4)~~ to take every reasonable measure to ensure

(Doc. 918, at 65 (proposed additions shown in bolded underlining, and proposed
 deletions shown in bolded strike-outs).)

3. IT IS FURTHER ORDERED THAT the language of text in the paragraph currently numbered (5) on Page 66 of the Court's Opinion and Order (Doc. 918) is hereby amended as follows:

. . . and **(6) ~~(5)~~ begin polling place operations on Election Day with at least 40% of the number of registered voters to a polling place and at all times thereafter** maintain a sufficient stock of emergency paper ballots **in compliance with Ga. Comp. R. & Regs. 183-1-12-.11(2)(c) and 183-1-12-.01**. [FN 30]. **The cost of obtaining the initial stock of emergency paper ballots above the requirements of Ga. Comp. R. & Regs. 183-1-12-.11(2)(c) shall be borne by the Secretary of State.**

. . . .

(Doc. 918, at 66 (proposed additions shown in bolded underlining, and proposed deletions shown in bolded strike-outs).)

4. IT IS FURTHER ORDERED THAT the language of Court's Opinion and Order (Doc. 918) is hereby amended to include the following additional findings of fact and conclusions of law:

First, the Court's findings discussed herein, including the finding of a likelihood of imminent harm to voters from Defendants' unjoined conduct, apply with respect to each upcoming election in Georgia, namely the November 2020 general election, the December 2020 runoff election, the January 2021 election, and any subsequent elections to be held after January 2021.

Second, the relief granted by this Opinion and Order is hereby independently granted for, and shall apply to Defendants in respect of, the conduct of each upcoming election in Georgia, namely the November 2020 general election, the December 2020 runoff election, the January 2021 election, and any subsequent elections to be held after January 2021.

SO ORDERED this ____ day of _____, _____.

Amy Totenberg
United States District Court Judge

Respectfully submitted this 9th day of October, 2020.

/s/ Bruce P. Brown

Bruce P. Brown
Georgia Bar No. 064460
BRUCE P. BROWN LAW LLC
1123 Zonolite Rd. NE
Suite 6
Atlanta, Georgia 30306
(404) 881-0700

/s/ Robert A. McGuire, III

Robert A. McGuire, III
Admitted Pro Hac Vice
(ECF No. 125)
ROBERT MCGUIRE LAW FIRM
113 Cherry St. #86685
Seattle, Washington 98104-2205
(253) 267-8530

Counsel for Coalition for Good Governance

/s/ Cary Ichter

Cary Ichter
Georgia Bar No. 382515
ICHTER DAVIS LLC
3340 Peachtree Road NE
Suite 1530
Atlanta, Georgia 30326
(404) 869-7600

*Counsel for William Digges III, Laura Digges,
Ricardo Davis & Megan Missett*

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ Robert A. McGuire, III
Robert A. McGuire, III

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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2020, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ Robert A. McGuire, III
Robert A. McGuire, III